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FACSIMILE COVER SHEETTHIS MESSAGE HAS 7 PAGES INCLUDING THIS SHEETTO: Mail Stop Appeal Brief-Patents --Commissioner for Patents -- U.S. Patent OfficeFAX NO.: (571) 273-8300FROM: John P. MaldjianDATE: September 8, 2005MATTER: Serial No. 08/869,589 Filed: June 5, 1997DOCKET NO.: SAR 12082APPLICANT: Strolle

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition
☐ Disclosure Statement & PTO-1449
☐ Priority Document
☐ Drawings (____ sheets) Informal
☒ Supplemental Communication regarding
Reply Brief
☒ Copy of Reply Brief filed 2/22/05

☐ Transmittal Letter (2 copies)
☐ Fee Transmittal (2 copies)
☐ Deposit Account Transaction
☒ Facsimile Transmission Certificate
dated September 8, 2005

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Kathleen Faughnan
Name of person signing this certificateKathleen Faughnan 9/8/05
Signature and date

Patent
Atty. Dkt. No. SAR 12082RECEIVED
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

SEP 08 2005

In re Application of: **Strolle**Serial No.: **08/869,589**Confirmation No.: **5936**Docket No.: **SAR 12082**Filed: **June 5, 1997**For: **METHOD AND APPARATUS FOR
PERFORMING BANDEDGE
EQUALIZATION**§
§
§ Group Art Unit: **2631**
§
§ Examiner: **Burd, Kevin M.**
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§MAIL STOP APPEAL BRIEF -
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P.O. Box 1450
Alexandria, VA 22313-1450

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9/8/05

Date



Signature

Dear Sir:

**SUPPLEMENTAL COMMUNICATION
REGARDING REPLY BRIEF**

An Appeal Brief in the above-identified matter was filed by the Appellant on September 29, 2004 in support of a Notice of Appeal filed on July 27, 2004. Subsequently, the Examiner acknowledged the Appeal Brief in an Examiner's Answer mailed on December 22, 2004. In response to the Examiner's Answer, Appellant filed a Reply Brief on February 22, 2005.

After initial review of the Appeal correspondence identified above, the Board of Patent Appeals and Interferences noted a defect in the Examiner's Answer and issued an Order Returning Undocketed Appeal to Examiner on June 30, 2005. In response to the Order Returning Undocketed Appeal to Examiner,

Patent
Atty. Dkt. No. SAR 12082

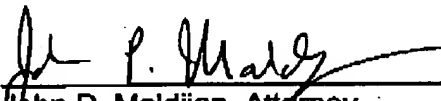
the Examiner prepared a corrected version of the Examiner's Answer to fully comply with MPEP Guidelines regarding same on July 8, 2005.

To ensure that any and all procedural deadlines are properly met, Appellant hereby files this Supplemental Communication to acknowledge the Examiner's refiled Examiner's Answer of July 8, 2005. Further, the Appellant indicates that the Appellant's Reply Brief filed on February 22, 2005 is still of record and fully responsive to all matters raised in the original Examiner's Answer of December 22, 2004. That is, with the minor exception of the inclusion of the "Prior Art of Record" Section, both versions of the Examiner's Answer (including all appealable issues) are identical. Nonetheless and to facilitate action by the Board, a copy of Appellant's February 22, 2005 Reply Brief is filed with this Supplemental Communication.

Appellant now believes that all necessary action by both parties has been taken to move forward with the Appeal and swift action by the Board is earnestly solicited.

Respectfully submitted,

9/8/05
Date


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SEP 08 2005

PATENT
Atty. Dkt. No. SAR 12082**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Strolle

Serial No.: 08/869,589

Confirmation No.: 5936

Filed: June 5, 1997

For: METHOD AND APPARATUS
FOR PERFORMING
BANDEDGE EQUALIZATION§
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Group Art Unit: 2631

Examiner: Burd, Kevin M.

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Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
<u>2-22-05</u> Date	<u>Kevin M. Burd</u> Signature

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2631 dated April 27, 2004, finally rejecting claims 1, 9, 10, 12, 15, and 16

ARGUMENT

A. 35 U.S.C. § 102 - Claim 1.

Simply stated, the Appellant's appeal rests on whether or not the Norrell et al. patent (U.S. patent no. 5,793,821) is deemed to specifically teach or suggest that the bandedge amplitudes are made to have equal amplitudes. The Appellant does not believe such teaching is evident in Norrell.

In the prior Decision on Appeal, the Board deemed that Norrell's method and apparatus for compensating for amplitude distortion in an entire broadband signal will result in compensation (adjustment) of the bandedges that are part of the signal. Thus, some of the prior claims of Appellant's application were found unpatentable in view of Norrell et al. The Appellant amended the claims to specifically recite that the Appellant's invention causes the amplitudes of the bandedges to be equal. In short, Norrell et al. does not specifically teach that the bandedges are to have equal amplitudes.

However, in the Board's prior decision, the Board made the statement that "Amplitude equalization means attenuating or amplifying to make amplitudes equal." (Decision on Appeal, page 8, lines 3-4) This dicta has been used by the Examiner, as discussed below, as the basis for rejecting the Appellant's current claims. The Appellant argues below that Norrell et al. does not teach or suggest a method or apparatus that makes the amplitude of each bandedge equal. As such, the Appellant requests that the Board clarify their prior decision in view of the Appellant's amended claims and agree that Norrell et al. does not teach making the bandedge amplitudes equal.

The cited section (Norrell, column 9) is directed to channel equalization and not the specific adjustment of bandedges of a broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal. Channel equalization generally involves equalization of the entire frequency response and, as such, is not the same as adjusting bandedges such that the amplitudes of the

bandedges are made equal. The purpose of the cited section was to clarify the advantage of sharply attenuating the midband, i.e., the region between the LBEF and the UBEF, in Norrell. Moreover, the cited section is devoid of any teaching of an adjustment of bandedges to make them have equal amplitude in response to a control signal, as generated by the bandedge filter and bandedge signal processor in Appellant's invention. Thus, the cited section does not teach adjusting amplitudes of the bandedges of a broadband signal such that the amplitudes of the bandedges are made equal as in claim 1 of Appellant's invention.

Since Norrell et al. fails to specifically teach "adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal", as recited in claim 1 of Appellant's invention, the Appellant respectfully submits that independent claim 1 is not anticipated by the teachings of Norrell and, as such, fully satisfies the requirements of 35 U.S.C. § 102 is patentable thereunder. The remaining appealed claims include similar limitations.


Conclusion

Thus, the Appellants submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 102. Consequently, the Appellants believes all these claims are presently in condition for allowance.

For the reasons advanced above, Appellants respectfully urge that the rejections of claims 1-38 as being obvious under 35 U.S.C. §102 are improper. Reversal of the rejections of the Final Office Action is respectfully requested.

2-22-05
Date

Respectfully submitted,



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